UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,215	08/22/2003	Shinichiro Inoue	16869P-078500US	1399

20350 7590 03/14/2008 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834	**EXAMINER** CAMPEN, KELLY SCAGGS

ART UNIT	PAPER NUMBER
3691	

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03/14/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

Office Action Summary	Application No.	Applicant(s)
	10/646,215	INOUE ET AL.
	Examiner	Art Unit
	KELLY CAMPEN	3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,3-8,10-15,17-19 and 21-25_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1,3-8,10-15,17-19 and 21-25_ is/are rejected.
7)☒ Claim(s) _22-25_ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____ .
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____ .

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because it uses language which may be

implied as applied in the prior office action. Specifically, the first sentence includes the

language "The present invention is directed…". Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a
separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed
150 words in length since the space provided for the abstract on the computer tape used by the
printer is limited. The form and legal phraseology often used in patent claims, such as "means"
and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist
readers in deciding whether there is a need for consulting the full patent text for details.

**The language should be clear and concise and should not repeat information given
in the title. It should avoid using phrases which can be implied, such as, "The disclosure
concerns," "The disclosure defined by this invention," "The disclosure describes," etc.**

Claim Objections

Claims 22-25 are objected to because of the following informalities: the term "Boolean"

should be capitalized. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this
or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 3-8, 10-15, 17-19, 21 are rejected under 35 U.S.C. 102(a) as being anticipated by Kensuke et al. (JP 2002-109419) as applied in the prior office action.

Specifically as to claim 1, Kensuke et al. disclose a computer-implemented method of facilitating e-commerce transactions, the method comprising: receiving a settlement request for a purchase account and related information sent from an end user system used by an end user to make a purchase from a seller or sent from a store system used by the seller, the related information including a purchase price of the purchase and an identifier of the end user[0013-0015]; detecting whether an account system of a financial institution is available, wherein the account system is where the end user has an account that is appointed for settlement of the settlement request; if it is detected that the account system is available, executing a settlement procedure by the account system; if it is detected the account system is unavailable, executing an automatic financing procedure; determining whether the purchase account of the settlement request can be financed , based on financing availability information which specifies a financing available amount of the end user, and the purchase price of the purchase[0016]; and if it is determined that the purchase account can be financed , then outputting a message that the purchase account can be settled through financing; and recording financing information regarding a charge account of the end user for the purchase, the charge account being determined based on the purchase price of the purchase (see paragraphs [0014]-[0019]).

Specifically as to claims 3, 10 and 17, receiving the financing availability information of the end user from the account system at predetermined intervals and replacing the financing availability information stored in a data processing system by the received financing availability information [0019, 0035].

Specifically as to claims 4, 11, 18 and 21, sending the recorded financing information to the account system of the end user at predetermined intervals [0014].

Specifically as to claims 5 and 13, receiving a maximum allowable financing information which specifies a value up to which the end user is allowed to get financing as the financing availability information and a charge account information which specifies a remaining charge account of the end user from the account system of the end user; and determining whether the purchase account can be settled through financing, based on the received maximum allowable financing information and charge account information [0034-0035].

Specifically as to claim 6 and 14, wherein it is determined that the purchase account can be settled through financing if a value obtained by subtracting the amount of money specified by the charge account information and the purchase price of the purchase from a value specified by the maximum allowable financing information is not less than 0 [0034].

Specifically as to claim 7, 12, and 21, wherein the maximum allowable financing information and the charge account information are received from the account system at predetermined intervals [0014, drawing 1].

Specifically as to claim 8, an apparatus for facilitating e-commerce transaction to which an end user system which is used by an end user to make a purchase from a seller and a store system used by the seller are connected via a network, the system comprising: a receiver coupled with the network to receive a settlement request for a purchase account and related information sent from an end user system used by an end user to make a purchase from a seller or sent from a store system used by the seller, the related information including a purchase price of the purchase and an identifier of the end user; a processor coupled with the receiver[0013-0015]; and a

memory storing a program including a plurality of code modules which are executable by the

processor, the plurality of code modules including, a code module for determining whether the

purchase account of the settlement request can be settled through financing, based on financing

availability information which specifies financing available amount of the end user, and the

purchase price of the purchase a detecting module configured to detect whether an account

system of a financial institution is available, wherein the account system is where the end user

has an account that is appointed for settlement of the settlement request[0016]; an executing

module configured to execute a settlement procedure by the account system, if it is detected that

the account system is available; the executing module configured to execute an automatic

financing procedure, if it is detected the account system is unavailable; a code module for

outputting a message that the purchase account can be settled through financing upon

determining that the purchase account can be settled; a code module for recording financing

information regarding a charge account of the end user for the purchase upon determining that

the purchase account can be settled, the charge account being determined based on the purchase

price of the purchase [0014-0019].

Specifically as to claim 15, an apparatus for facilitating e-commerce transaction to which

an end user system which is used by an end user to make a purchase from a seller and a store

system used by the seller are connected via a network, the system comprising: means for

receiving a settlement request for a purchase account and related information sent from an end

user system used by an end user to make a purchase from a seller or sent from a store system

used by the seller, the related information including a purchase price of the purchase and an

identifier of the end user[0013-0014]; means for detecting whether an account system of a

financial institution is available, wherein the account system is where the end user has an account

that is appointed for settlement of the settlement request[0015]; if it is detected that the account

system is available, means for executing a settlement procedure by the account system; if it is

detected the account system is unavailable, means for executing an automatic financing

procedure; means for determining whether the purchase account of the settlement request can

financed settled through financing, based on financing availability information which specifies

financing available amount of the end user, and the purchase price of the purchase[0016]; means

for outputting a message that the purchase account can be settled through financing upon

determining that the purchase account can be financed and means for recording financing

information regarding a charge account of the end user for the purchase upon determining that

the purchase account can be settled, the charge account being determined based on the purchase

price of the purchase[0014-0019].

Specifically as to claim 19, In a computer readable medium storing a program for

facilitating e-commerce transaction to which an end user system which is used by an end user to

make a purchase from a seller and a store system used by the seller are connected via a network,

the program comprising: code for receiving a settlement request for a purchase account and

related information sent from an end user system used by an end user to make a purchase from a

seller or sent from a store system used by the seller, the related information including a purchase

price of the purchase and an identifier of the end user; code for detecting whether an account

system of a financial institution is available, wherein the account system is where the end user

has an account that is appointed for settlement of the settlement request; if it is detected that the

account system is available, code for executing a settlement procedure by the account system; if

it is detected the account system is unavailable, code for executing an automatic financing

procedure; code for determining whether the purchase account of the settlement request can be

financed through financing, based on financing availability information which specifies

financing available amount of the end user, and the purchase price of the purchase;

code for outputting a message that the purchase account can be settled through financing upon

determining that the purchase account can be financed and code for recording financing

information regarding a charge account of the end user for the purchase upon determining that

the purchase account can be settled, the charge account being determined based on the purchase

price of the purchase (see above rejections and citation for claims 1 and 15).

Specifically as to claims 22, 23, 24 and 25, wherein the detecting of whether the account system

of the financial institution is available is based on an on/off status table (see drawing 2,

paragraph [009]), wherein the on/off status table includes a table entry corresponding to each

banking institution which includes an on/off Boolean indicator associated with each of banking

institutions to indicate the banking institution's account system's availability (see paragraphs

[0013-0015]).

Response to Arguments

The rejection under 35 USC 112 second paragraph has been overcome and is therefore

withdrawn.

In response to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e., 'settling

through financing when the settlement accepting server (or accounting system) is unavailable"

and "able to settle settlement request 24- hours a day" are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification

are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.

1993).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to KELLY CAMPEN whose telephone number is (571)272-6740.

The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Kalinowski/
Supervisory Patent Examiner, Art Unit
3691

/KCS/